C.F. 71 & 72.

1930

Department of L R & Sett

OFFICE Board of Revenue

STATION Madras

Misc No. 3408
3408

A2263-30

Dated 17-11-30

To whom sent	Date / Initials
	Given for copying
	Copied
	Examined 19/11 [illegible]
	Signed
	Given for despatch
	Despatched —
	Indexed
Pages in the file	To be destroyed on*

(SUBJECT.)

Vols. (Kanara South : Tadadi — Kotatha
Kannam - minor - permission - [illegible] Nanju
natha Hande. revision petition — orders passed
[illegible]

* Not to be filled in in the case of permanent records.

A 2263

ವಕಾಲತ್ತು

ಕಡೆ ವಕಾಲತ್ತ್‌ನಾಮ

(ಸಿ. ಪ್ರೊ. ಕೋ. 3ನೇ ಆರ್ಡರ್ 4ನೇ ರೂಲ್ ಮತ್ತು ಸಿ. ಆರ್. ಪಿ. 276 A ನೋಟ್ ಪ್ರಕಾರ.)

(ದಕ್ಷಿಣ ಕನ್ನಡಾ ಡಿಸ್ಟ್ರಿಕ್ಟ್ ಪ್ಲೀಡರ್ ಮ. ರಾ. ಸ್ರೀ ಎಸ್. ಶಿವರಾಮಯ್ಯನವರು)

ಕೋರ್ಟ್‌ನಲ್ಲಿ.

BOARD OF REVENUE
23 JUL 1930
LAND REV. & SETTLEMENT

ನಂಬ್ರ 192

ಮಾಬಿನಾಥ ಹಂದೆ

ಇವರೊಳಗೆ

ಮೇಲ್ಕಂಡ ವ್ಯವಹರಣೆಯಲ್ಲಿ ನನ್ನಿಂದ ಕಡೆಯುಂದ ವಕೀಲರಾಗಿ ನೇಮಿಸಿ ನನ್ನ ಕಡೆಯುಂದ ಸಮಸ್ತ ವ್ಯವಹರಣೆ ನಡಿಸಲಿಕ್ಕೂ, ಆದರಲ್ಲಿ ಉಂಟಾಗುವ ಯಾವದೊಂದು ಹುಕುಮಿನ ನ ಡಿಕ್ರಿಯ ಅಮಲ್‌ಜ್ಯಾರಿ ನಡಿಸಲಿಕ್ಕೂ ಅಂಥಾ ಹುಕುಮುಗಳು ನ ಡಿಕ್ರಿಗಳು ಪೂರ್ಣ ಸಮಾಧಾನವಾಗುವ ವರೇಗೆ ಎಲ್ಲಾ ವಿಧದ ವ್ಯವಹರಣೆಗಳನ್ನು ನನ್ನ ಕಡೆಯುಂದ ಹಾಜರಾಗಿ ವ್ಯವಹರಿಸಲಿಕ್ಕೂ ನನ್ನಿಂದ ಕಡೆಯುಂದ ದಸ್ತಾವೇಜುಗಳನ್ನು ಪ ನ ನ್ನಿಗೆ ಬರಕ್ಕ ಹಣವನ್ನು ವಸೂಲ ಕೊಳ್ಳುವದಕ್ಕೂ ಈ ಮೂಲಕ ಪೂರ್ಣ ಅಧಿಕಾರ ಕೊಟ್ಟಿರುತ್ತೇನೆ.

ತಾ. 15 ನೇ ಜುಲೈ 1930 ನೇ ಇಸವಿ.

H. Manjunatha Hande

192

Address for service:— East Chitrakulam St. Mysore

ಈ ವಕಾಲತ್ತು ಬರಕೊಂಡವರು ಇದನ್ನು ನನ್ನ ಮುಂದೆ ಹಾಜರುಪಡಿಸಿ ಓದಿಹೇಳಲಾಗಿ ನಿಜವಾಗಿರುತ್ತದೆಂತ ಒಪ್ಪಿ ನನ್ನ ಮುಂದೆ ದಸ್ಕತುಮಾಡಿರುತ್ತಾರೆ.

ತಾ. 15-7-1930.

H. Shivarama Rao Pleader
Mysore Revenue Department

Ch 3R Cwth. A2263

To

The Hon'ble The Board of Revenue
Land, Revenue and Settlement,
Chepauk, M a d r a s.

The Humble Petition of Manjunath Hande son of Narasimha Hande, Kotathattu village, Udipi Taluq, South Kanara District, dated the 22nd July 1930 against the Proceedings of the Collector of South Kanara D.D.286 of 1930 dated the 30th March 1930 communicated to the Petition as D.Dis.6626 of 1930.

Most respectfully showeth:--

1. That the last permanent holder of the Shambhogueship of Chitrapadi firka was the petitioner's grand father Krishnayya Shambogue on whose death, the petitioner, being the son of the deceased eldest son (Narasimha Hande) was registered as a permanent shambhogue by order of the Sub-Collector (the present Collector) Dis.No.611/Rev.13.

2. That the said order of the Sub-Collector further "permitted the Petitioner herein to join the post only on his attaining majority and qualifying for the post by passing the necessary tests and after the decease of the dismissed Shambhogue". "As Shambhogue Ganapayya was convicted of forgery, none of his brothers can be appointed to the post during the life-time of the dismissed Shambhogue

3. That on appeal from the said order of the Sub-Collector, in his proceedings Dis.No.201 R./14 dated 1-4-1914, observed that as appellant therein (Parameswara Hande) and Ganapayya the dismissed Shambhogue are undivided

brothers. Ganapayya haing been convicted of such a serious offence as forgery, it would be unsafe to appoint his brother as Shanbhogue.

4. That the Petitioner has since fully qualified himself for the post of Shanbhogue by passing in the "Manual of village Accounts" in 1924, "Manual of Powers and Duties of Village Officers" in 1926 and by undergoing the full course of Survey training in the Karnam's Survey School held at Karkal in 1925.

5. That the Petitioner sought permission to join duty and the Petitioner's application was recommended by the Udipi Tahsildar in L.Dis.12130 of 1929 dated 14th December 1929 and by the Revenue Divisional Officer, Coondapoor in his N.Dis.7127 of 1929 dated 27th December 1929.

6. That the Collector of South Kanara, who was the Sub Collector who passed the Order in Dis.No.611/Rev.13 dated 18-5-1913 referred to in para 1 supra has negatived the recommendation above referred to in his order D.Dis.286 of 1930 dated 30th March 1930 but has expressly left it open to the petitioner to approach the Board of Revenue, if he wishes.

7. That the Collector takes the view that the Petitioner was debarred from joining the post during the life-time of Ganapayya to keep the said Ganapayya from exercising any influence on the petitioner as a village officer, his relative. The petitioner submits that this view is not correct as the Collector in his Order dated 1-4-1914 referred to in para 3 above based the prohibition on the then appellant and the dismissed Shanbhogue being undivided brothers. The Petitioner's family has been

divided by a registered partition deed No.942 dated 8-7-1921

8. That the said Ganapayya for the last 16 years has been leading an honest life and reformed himself and his long past lapse should not debar the petitioner from joining the hereditary post which has been registered in his name though he has fully qualified himself for the post. Moreover the said Ganapayya was only an acting Shanbhogue and the petitioner being the son of the ~~second~~ deceased eldest son of the last permanent Shanbhogue Krishnayya Shanbhogue does not claim through Ganapayya. The petitioner submits that he should not be made to suffer ~~from~~ the sin of his uncle ~~with~~ from whom he ~~has~~ was divided long ago in 1921

9. That the Collector refused permission to join the post as granting it "would amount to revision of previous Collector's Order" which he felt himself powerless to do. The petitioner however submits that owing to the changed circumstances of there being a division in the family, the grant of permission sought for, would be in reality upholding the spirit, if not the letter of the Collector's order as explained in para 7 above.

10. That owing to the lapse of 16 years, and subsequent good conduct of Ganapayya, the petitioner's uncle, the subsequent division in the family and the petitioner qualifying himself fully for the post, it will cause great hardship if the petitioner were any longer debarred from joining the hereditary post which has been registered in his name.

11. That the petitioner, under these circumstances most humbly and respectfully prays that the Hon'ble Board may be graciously pleased to grant permission to the

Petitioner to join duty as Shanbhogue.

12. For which act of justice, kindness and mercy the petitioner shall, as in duty bound for ever pray.

K. G. Cedigar
J. Atmaji Rows.
Advocates for Petitioner.

Documents filed herewith:--

1. Dis.No.611/Rev.13. Proceedings of the Sub Collector in charge of Coondapoor Division.
2. Dis.No.201/Rev.R./14. Proceedings of the Collector of South Kanara, dated 1--4--1914.
3. D.Dis.286 of 1930: Proceedings of the Collector of South Kanara, dated the 30th March 1930.

BOARD OF REVENUE, LAND,

REVENUE AND SETTLEMENT.

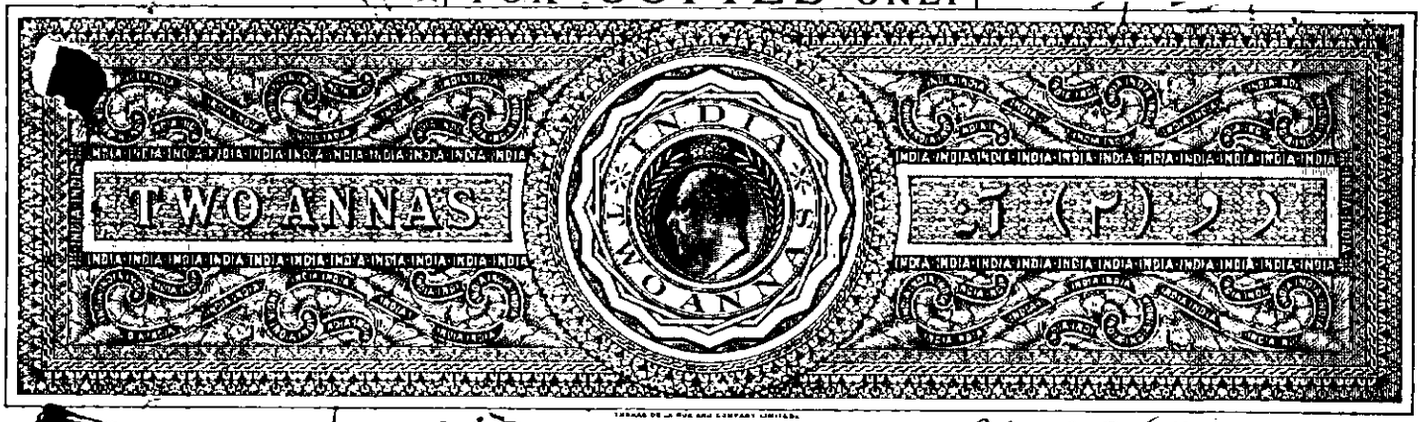
Petition for Shambhogueship.

K. Y. Haiga

J. Annaji Rao

Advocates for Petitioner.

FOR COPIES ONLY



29 12 4

Dis No 611 Rev 13

Proceedings of the Asst Collector in Charge Coondapoor Division.

Dated 18. 5. 13.

Present G. W. Wills Esq I. C. S.

Read this office proceedings Ref on G. C. 838/13 Rev dismissing Ganapaya Shanbogue of (~~Chitrapady~~) Chitrapady Varf-

Read Udipi Tahsildars re/s. Dis No 4520/13 Rev submitting proposals to fill up the post of Chitrapady Shanboguship

Order.

As Shanbogue Ganapaya was convicted of forgery, none of his brothers can be appointed to the post (2) during the life-time of the dismissed Shanbogue. Manjunatha, aged 7 years, minor son of Narashimha Hande, brother of the dismissed Shanbogue, will therefore be registered as a permanent Shanbogue and permitted to join the post only on his attaining majority and qualifying for the post by passing the necessary tests and after the decease of the dismissed Shanbogue.

2. K. Krishna Rao, a passed candidate, who acts at present as Chitrapady Shanboguy and is well recommended by the Tahsildar, will

(162) Ag —

FOR COPIES ONLY (2 11 14

continue to act as Shanbogue of Chitrapady till Manjunath joins his post.

Signed G. W. Wells
18. S. XIII
Ag Sub Collector

(22)

Total words & figures copied by me 28

Errors nil (2) Two only.

Application No. 218/13 marked by 11-11-13
Parameshwaraya of Korabale

(True copy on one Sheet)

Stamp fee,
Dy. corrected 11-11-13
Copy ready 19-11-13
Issued 20-11-13

Dy. Collector.

Compared by
[illegible]
8/11/13

1979

D.Dis. 266-30.

Proceedings of the Collector of South Kanara, dated the 30th March 1930.

G.W.Wells.Esquire. M.A.,I.C.S.

Village officers- Udipi Taluk- Kotathattu village- Shanbhogue -Manjunatha Hande- Permission to join duty- Recommendation -Negatived.

Coondapoor Revenue Divisional Officer's N.Dis.7127-29 dated 27th December 1929 submitting Udipi Tahsildar's L.Dis, 12130-29 dated 14th December 1929.

****

Mr. Couchman as Collector upheld the Sub Collector's order debarring the minor from joining the post during the life time of Ganapayya. The object of such a bar is to keep the debarred one from exercising an influence over a village officer, his relative. The Collector is not convinced that the division in the family makes any practical difference and further the grant of the permission requested by the petitioner would amount to revision of a previous Collector's order. It is open to the petitioner to approach the Board of Revenue, if he wishes.

(sd) G.W.Wells,
Collector
30-3-30.

D.Dis. 6626-30.

Copy communicated to Manjunatha Hande for information

Tahsildar'd Offied Udipi
Dated 11th April 1930.

For Tahsildar.

7/12/4 30.

R. F. XXII-A-19—89,500 22-4-30

Subject.— 21

FOR MEMBER

VOs. (Kanara South) - Udupi T
Kotathattu - Karnam - mino
permission to join duty - refus
Manjunatha Hande - revis

READ AGAIN B. P. No. _____, dated ~~petition~~ _____ 193 .

" " " _____, " _____ 193 .

READ ALSO :—

Register No. _____, From the A 2263-30, No. 5 & 6, dated _____ 193

" " _____, " " _____, " _____, " _____ 193

" " _____, " " _____, " _____, " _____ 193

RESOLUTION. Rejee No. A2263-30-1, dated 4-8- 193

R I & 13.10.30 fwd 3/10
R II & 5.11.30 fwd 5/11

Forwarded to the Collector of South Kanara for submission of the connected records.

2. The original ban order passed by the present Collector while he was Divisi Officer is not in strict conform ity with Sec. 10 (4) of Act III of 85 - ~~the analogy of which~~ Though the Act does n apply to analogy governs the ~~applies to the sale of trees of~~ case ~~non-hereditary tracts~~. The present incumbent of the offic is only an acting man and has no claim to it. The

petitioner alleges that he was divided from Ganapayya, the dismissed officer, in 1921 and that the latter has led a good life since his conviction. The Collector is requested to report on the allegations and why the petitioner should not be permitted to join as Shanbhogue permanently.

6/8/30

2830

To

The Collector of South Kanara with petition and enclosures (to be returned with reply.)

DESPATCHED
6 AUG 1930

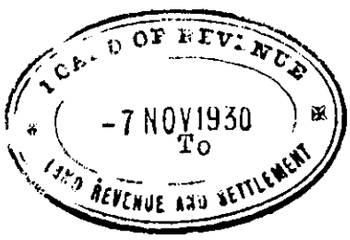
6/8

RP69 23 A3414

D.Dis.8263-30. South Kanara Collector's office,

Mangalore, dated 1st November '30.

From



G. W. Wells, Esquire, L.A.,I.C.S.,

Collector of South Kanara.

The Secretary to the Board,

Land Revenue and Settlement,

M a d r a s.

Sir,

Village Officers - (Kanara South) - Udipi Taluk - Kotathattu - Karnam - Linor - Permission to join duty -Refused Manjunath Hande - Revision petition.

Board's reference A-2263/30 dated 4-8-1930.

p214

****

I resubmit herewith the revision petition of Manjunath Hande received with the Board's reference quoted above, with all its enclosures.

p3-6 cf

2. The revision petition is against my order D.Dis.No. 286/30 dated 30-3-30 refusing to permit the petitioner to join the Karnam's post before the death of the dismissed Shanbhogue Ganapaya. I refused to grant the petitioner's request as the order Dis.611 D/Rev.13, dated 18-5-13, debarring the petitioner from joining the post during the lifetime of the dismissed Shanbhogue Ganapaya, which was passed by me as Sub-Collector was upheld by the then Collector Mr. Couchman in his Proceedings Dis.No.201 R/Rev.14 dated 1-4-1914 and I thought that it would amount to revision of a previous Collector's order.

p194

p9 cf

p139

3. There is no doubt that, as contended by the petitioner, the petitioner was divided from the dismissed Shanbhogue ---- - Ganapaya under a registered partition deed No.942, dated 2-5-1921 (enclosed). The latter is reported to have led a good life since his conviction. There is, therefore, no objection to the petitioner being permitted to join the post presently.

p25-11 cf

4. I enclose the records noted in the margin for reference and return.

1.Taluk Dis.92 R/Rev.14.
2. " 145 R/Rev.13.
3.Huzur D.Dis.286-30/30-3-30.

Your obedient servant,

A Krishnan

For Collector.

7.11.30

Subject.—

R. F. XXII-A-19—89,500 22-4-30 (6)

FOR MEMBER

Vos (Kanara South). Udipi Tk. Kotathattu. Karnam — minor permission to join duty. Manjunatha Hande. revision petition

READ AGAIN B. P. No. _____, dated order passed 193 .

" " " _____, " _____ 193 .

READ ALSO :—

Register No. _____, From the A2263-30 f.c.t. Q, No. _____, dated _____ 193

" " _____, " " A3111-30 p 234 Q, " _____, " _____ 193

" " _____, " " _____, " _____, " _____ 193

" " _____, " " _____, " _____, " _____ 193

RESOLUTION. Misc No. 3408, dated 17.11. 1930

In the circumstances reported the Collector is requested to permit the petitioner, Manjunatha Hande to join the post-~~presently~~.

2 The petitioner is referred to the Collector for orders on his revision petition.

Orders 15/11/30 for 17/11/30

17-11-30

To

The Collector of South Kanara

with ~~enclosures~~ returned.

recd)

Sri Manjanatha Hande C/o Advocate K. Y. ~~Achikar~~ & T. Appajirao Advocates, East Chitrakulam Street, Mylapore with enclosures returned (para 2 only).

Office

Bowe 4-1-31

Mp 13-1-31 f.c.t. 25 to be sp

* list (3 items) appeal the typed petition

(Kanara South) - Edipi Th -
Kotathatte - Shanbhogue - minor -
permission to join duty - refused -
Manjunath Hande -
revision petition

A 2263-30 file -

To
AS

Non-hereditary and
non-Statutory -

2- No appeal lies -

3. In this case, an acting
file Shanbhogue, Ganapaya was convicted of
forgery and was dismissed in 1913.
in 1913.
Before May 1913, the permanent Shan-
bhogue - Krishnayya - father of Ganapaya
died and in filling up the vacancy, the
RDO directed that the Board's petitioner -
brother's son, Ganapaya should be registered and that he should not
file be allowed to join office, even if he attained
majority, till the death of Ganapaya.
On an appeal to the (the legal mother of the
Board's petitioner, the latter confirmed the
file RDO's order on 1-4-14. The petitioner moved
the latter in 1929 again on attaining majority.
file The latter on 30-3-30 advised the petitioner
to approach the Board, if he wishes -
It is not known when the latter's order

[illegible] 30.3.30 was received by the Board
[illegible] the petition to the Board
received on 29.7.30 seems to be time-barred
[illegible], the petitioners guardian should
[illegible] the Board in 1914 only.
[illegible] consideration of the petition
[illegible]
[illegible] The copy of the Collector's order dd 30.3.30 & 19cf
[illegible] was forwarded to the petitioner on 12.4.30 A reckn
29.7.30 time should be sufficient for its receipt by the petitioner
Even according to this calculation, the petition is barred by limi
In this case a very grave has been passed against an Acting Shrestha
a procedure not contemplated by sec 10 (4), of Act III of 1895 the
analogy of which applies. The order was irregular and in view
of the circumstances in which it was passed & the conviction
of the Acting Kumaran & forgery, the undivided status of the family then
the dismissed Ag Kumaran being the petitioners uncle, the guardian
not having appealed to the Board against the petitioners order of 1914
no interference is perhaps necessary now. The subsequent division
[illegible] of the family in 1921 does not appear to be quite bona fide

The original bar order passed
by the present collector while he was
Dist. Magistrate, consideration is not in
strict conformity with S. 10(4) of Act III
of 1895. The present incumbent is only
an acting man and has no claim on the
post. If the petitioners allegation of
division from Govindappa in 1921 is true

at the time of the Collectors order (1914 e.f.) there is an entry 29-7-30. If this is the date on which the petitioner received the order it is in time -

2762, Madras Code Vol II

dfs 31/7/30

The Act does not apply
BBS
1/8

and if the collector sees no objection to the petitioner remaining as Shanbogue the Board may permit him to join the post. A report may be called for from the collector on the above 2 points

31-7-30

S

I agree on merits a report may be called for, as suggested above

1/8

Mr

Pets alleges that Ganapaya has led a good life since his conviction. In the circs. I agree to calling for a report.

11.8.30

To AS

Draft submitted

23.8.30

14-8-30

p 214

p 234

Board's Ref no. A 2263.30 + A 3414.30

To

AS

The Collector reports that Ganapaya has been leading a good life since his convic and that he is divided from his nephew-

the Board's petitioner.

2. The Board's petitioner is the son of Nargoinha Hande who was the son (~~brother~~ the eldest) of the last ~~holder~~ permanent holder - Krishnappa and was already registered. The Collr now states that there is no objection to his being permitted to join the post presently.

The Govt may be told that the petitioner may be permitted to join the post now in the Cannl petitioners who

Chon No Notice
11/11/30
for An Acting Man
13/11/30

p5 of.

p23 of

13 11 30

14.11.30.

for 3.
15-11-30

To

AS

Draft Submitted

Chon for 15/11/30

17-11-30.

A S (M12)

Draft
15-11-30.